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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/673,947 12/15/00 VIVILLE В 518-1013 **EXAMINER** PM82/1009 LEE MANN SMITH MCWILLIAMS HANSEN **ART UNIT** PAPER NUMBER SWEENEY & OHLSON P 0 BOX 2786 CHICAGO IL 60690-2786 3636 DATE MAILED: 10/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/673,947

Applicant(s)

VIVILLE

Examiner

James O. Hansen

Art Unit 3636



The MAILING DATE of this communication appears	
Period for Reply	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET THE MAILING DATE OF THIS COMMUNICATION.	
- Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication.	ation.
 If the period for reply specified above is less than thirty (30) days, be considered timely. 	
 If NO period for reply is specified above, the maximum statutory period communication. 	period will apply and will expire SIX (6) MONTHS from the mailing date of this
- Failure to reply within the set or extended period for reply will, by	statute, cause the application to become ABANDONED (35 U.S.C. § 133). mailing date of this communication, even if timely filed, may reduce any
Status	
1) Responsive to communication(s) filed on Jan 24, 20	001
2a) ☐ This action is FINAL . 2b) ☑ This act	ion is non-final.
3) Since this application is in condition for allowance e closed in accordance with the practice under Ex pair	except for formal matters, prosecution as to the merits is rte Quayle, 1935 C.D. 11; 453 O.G. 213.
Disposition of Claims	
4) 💢 Claim(s) <u>1-10</u>	is/are pending in the application.
4a) Of the above, claim(s)	is/are withdrawn from consideration.
5) Claim(s)	is/are allowed.
6) 💢 Claim(s) <u>1-3</u>	is/are rejected.
7) 💢 Claim(s) <u>4-10</u>	is/are objected to.
8) Claims	are subject to restriction and/or election requirement.
Application Papers	
9) 💢 The specification is objected to by the Examiner.	
10) The drawing(s) filed on is/are	objected to by the Examiner.
11) The proposed drawing correction filed on	is: a) \square approved b) \square disapproved.
12) The oath or declaration is objected to by the Exami	
Priority under 35 U.S.C. § 119	
13) 🗓 Acknowledgement is made of a claim for foreign pa	riority under 35 U.S.C. § 119(a)-(d).
a) \square All b) \square Some* c) \square None of:	
1. X Certified copies of the priority documents hav	e been received.
2. Certified copies of the priority documents have	e been received in Application No
application from the International Bure	
*See the attached detailed Office action for a list of the	
14) Acknowledgement is made of a claim for domestic	priority under 35 U.S.C. § 119(e).
Attachment(s)	
15) X Notice of References Cited (PTO-892)	18) Interview Summary (PTO-413) Paper No(s).
16) Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) Notice of Informal Patent Application (PTO-152)
17) Information Disclosure Statement(s) (PTO-1449) Paper No(s).	20) Uther:

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

- 2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish the drawing(s) under 37 CFR 1.81. No new matter may be introduced in the required drawing(s).
- 3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "lifting means" [claim 1] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

4. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should

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<u>appear</u> in upper case, without underlining or bold type, <u>as section headings</u>. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Claim Objections

5. Claims 4-10 are objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 2 & 3/2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 2, the phrase "characterized in that it is..." is unclear and indefinite as presently worded [the term "it" should be specifically defined]. Consequently, claim 3/2 is rendered indefinite because it is dependent upon a rejected claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 9. Claims 1, 2, 3/1 & 3/2 are rejected under 35 U.S.C. 102(b) as being anticipated by Wine. Wine (figures 1-7) teaches of a chest (2 for example); the chest being provided with a vertical mast (19) on which supports (20) are fixed; the chest having lifting means (27-32) for moving the mast in vertical translation; at least some of the supports are movable in rotation about an axis which coincides with the mast (the supports are viewed as being movable in rotation via the connection between hook member 30 and the arm member 29 the hook is rotatable in relation to the arm, this rotation being translated to the supports). The chest being suitable for maintaining a constant temperature [due to its refrigeration abilities]. The mast being adjacent to a vertical edge (see fig. 2 for example) of the chest.

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10. Claims 1 & 3/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Hainzigianis.

Hainzigianis (figures 1-3) teaches of a chest (fig. 1); the chest being provided with a vertical mast

(20) on which supports (26) are fixed; the chest having lifting means (27) for moving the mast in

vertical translation; at least some of the supports are movable in rotation about an axis which

coincides with the mast (page 1, lines 104-107). The mast being adjacent to a vertical edge (see

fig. 2 for example) of the chest.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. French publication 2,562,780 & Hoffmann et al., describe food dispensing chests.

Any inquiry concerning this communication from the examiner should be directed to James O.

Hansen whose telephone number is (703) 305-7414. Examiner Hansen can normally be reached

Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to

the group receptionist whose telephone number is (703) 308-2168. Fax numbers for Official

Papers are as follows: (703) 305-3597 & (703) 305-7687. The unit fax phone number for

Unofficial Papers is as follows: (703) 308-3691.

James O. Hansen

James D. House

Patent Examiner

Technology Center 3600

JOH

September 28, 2001